

REMARKS

Claims 45-48 and 54-58 are pending in the application.

Claims 45-48 and 54-58 are rejected.

Claim Rejections – 35 U.S.C. §103

The Office Action states:

6. Claims 45-48, 55, and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 6,025,375) Hall et al, hereafter Hall in view of (US 6,055,513) Katz et al, hereafter Katz.

Claims 45, 47, and 55. Hall teaches, A method of executing a financial transaction on a computer system between a user and a third party, said computer system having a personal base instance for said user, a personal base server for said personal base instance, a personal base provider for said third party, and a financial institution, said method comprising the steps of: (a) placing a request post onto said personal base instance by said user (col. 7, lines 6-67); (b) broadcasting said request post to at least one personal base process provider by said personal base server (col. 8, lines 1-16); (c) posting supply responses to said personal base server by said at least one personal base process provider (col. 8, lines 31-42); (d) comparing said responses to said request (col. 9, lines 5-32); (e) determining if a match was found between said responses and said request (col. 9, line 34-col. 10, line 5); and (f) if a match was found in said step (e), then prompting said user to confirm a transaction (col. 9, line 34-col. 10, line 5). Hall failed to teach, (g) if said user confirms said transaction, then sending data about said transaction to said financial institution; (h) determining by said financial institution if said transaction is executable; and (i) if said transaction is executable, then executing said transaction. Katz teaches, (g) if said user confirms said transaction, then sending data about said transaction to said financial institution (col. 18, line 40-col. 19, line 15); (h) determining by said financial institution if said transaction is executable (col. 18, line 49-col. 19, line 15); and (i) if said transaction is executable, then executing said transaction (col. 19, lines 24-58). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have said user confirm said transaction, then sending data about said transaction to said financial institution; (h) determining by said financial institution if said transaction is executable; and (i) if said transaction is executable, then executing said transaction

and to modify in Hall because such a modification would allow Hall to confirm the information that is on the application regarding the transaction then sending it to a financial institution for verification.

Office Action, pages 3-4.

Applicant respectfully disagrees. Hall and Katz, alone or in combination, do not disclose each element of the independent claims. Claims 45, requires, in part:

- (c) posting supply responses to said personal base server by said at least one personal base service provider;
- (d) comparing said supply responses to said request posting; [and]
- (e) determining if a match was found between said supply responses and said request posting.

Independent claims 47 and 55 include similar limitations. The portion of Hall cited in the Office Action to show the “posting supply responses . . .” element discusses a “[c]ustomer [d]atabase 374 [that] contains a list of the service provider’s participating customers and other customer account information.” Hall, 8:31-33. The cited portion of Hall, however, does not disclose “posting a supply response,” as required by the independent claims. An example supply response is shown in paragraph 35 of the specification:

For example, if the user 12 wants to buy a digital camera, he can issue a request posting to his personal base 20 specifying brand, price, and other requirements of the camera. This request will be picked up by other entities on computer network 100 and appropriate (supply) responses will be posted to the user’s personal base server 22, which will then be transmitted to the user’s personal base 20 for dissemination to the user by one or more of the intermediary devices mentioned previously.

Hall’s customer database does not “post[] supply responses” as required by the claims. In the absence of such “supply responses” steps (d) and (e) of the claim cannot be performed.

Claim 45 further requires “(g) if said user confirms said transaction, then sending data about said transaction to said financial institution.” Independent claims 47 and 55 include similar limitations. The cited portion of Katz includes a discussion of “a credit card company [that] may both know specific raw data relating to a customer through the customer’s indication of its income on the original application, but may also possess data relating to purchases . . . which are obtained in the course of processing the transaction of the user.” Katz, 18:56-62. This is not the same as “if said user confirms said transaction, then sending data about said transaction to said financial institution,” as required by the claim. In particular, there is no indication that Katz’s credit card company is determining “if said user confirms said transaction.” To the extent that the Office Action is implying that this portion of the element is inherent, Applicant disagrees and request documentary evidence of such inherency. In the absence of such a showing, however, the cited portion of Katz does not show this limitation.

Applicant has show that Hall and Katz, alone or in combination do not disclose each element of the independent claims. Each of the remaining claims depends from one of the independent claims, which Applicant has shown to be allowable. Applicant therefore requests allowance of all pending claims.

SUMMARY

In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding objections and rejections are respectfully requested. It is further submitted that the application is now in condition for allowance and early notice of the same is earnestly solicited. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone, facsimile or electronic mail, as below.

Respectfully Submitted,

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